



## INTERIOR BOARD OF INDIAN APPEALS

First Continental Corp. v. Assistant Secretary - Indian Affairs

15 IBIA 48 (11/03/1986)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

FIRST CONTINENTAL CORPORATION,  
Appellant

v.

ASSISTANT SECRETARY--  
INDIAN AFFAIRS,  
Appellee

: Order Docketing and Dismissing  
: Appeal  
:  
:  
: Docket No. IBIA 87-5-A  
:  
:  
: November 3, 1986

On October 28, 1986, the Board of Indian Appeals (Board) received a notice of appeal from the First Continental Corporation (appellant), through counsel, Christine C. Dosen, Esq., Hardin, Montana. Appellant seeks review of a September 18, 1986, decision issued by the Assistant Secretary--Indian Affairs. The Assistant Secretary's decision dismissed as untimely filed appellant's appeal from a May 12, 1986, decision of the Acting Billings Area Director, Bureau of Indian Affairs, upholding the awarding of certain pasture and farm leases on the Crow Indian Reservation to parties other than appellant.

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter.

A copy of the September 18, 1986, decision was attached to the notice of appeal. The decision was signed by the Assistant Secretary--Indian Affairs and states that it is final for the Department. Because the Assistant Secretary has the authority to issue decisions final for the Department, the Board does not have general review authority over such decisions, except as they are specially referred to it on a case-by-case basis or through rulemaking. See, e.g., Pueblo of Laguna v. Assistant Secretary for Indian Affairs, 12 IBIA 80, 90 I.D. 521 (1983); 25 CFR 13.15. This matter has not been so referred to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Assistant Secretary's September 18, 1986, decision is dismissed.

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//original signed  
Kathryn A. Lynn  
Administrative Judge

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//original signed  
Anita Vogt  
Acting Chief Administrative Judge